



DOCKET NO. JBP5014USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Luckenbach et al.

Serial No.: 10/650,398

Art Unit: 1751

Filed : August 28, 2003

Examiner: Mruk

For : MILD AND EFFECTIVE CLEANSING COMPOSITIONS

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October 3, 2005

(Date of facsimile transmission)

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Name of applicant, assignee, or Registered Representative

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(Signature)

October 3, 2005

(Date of Signature)

Commissioner for Patents
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TERMINAL DISCLAIMER UNDER 37 CFR §1.321(b)

Dear Sir:

The owner, Johnson & Johnson Consumer Companies, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of a patent, if any, that grants on co-pending patent application 10/650,226 filed August 28, 2003 (“’226 Patent”). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the ‘226 Patent, if

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any, are commonly owned. This agreement runs with any patent granted on application Serial No. and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '226 patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Terminal Disclaimer fee under 37 CFR §1.20(d) and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/JBP5014USNP/BTF.

Respectfully submitted,

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